

1 ANNETTE P. CARNEGIE (CA SBN 118624)  
(ACarnegie@mofo.com)

2 MORRISON & FOERSTER LLP  
425 Market Street  
3 San Francisco, California 94105-2482  
Telephone: 415.268.7000  
4 Facsimile: 415.268.7522

5 DEAN J. ZIPSER (CA SBN 94680)  
(DZipser@mofo.com)

6 ADINA L. WITZLING (CA SBN 211719)  
(AWitzling@mofo.com)

7 MORRISON & FOERSTER LLP  
19900 MacArthur Blvd., 12th Floor  
8 Irvine, California 92612-2445  
Telephone: 949.251.7500  
9 Facsimile: 949.251.0900

10 Attorneys for Defendant  
TOSHIBA AMERICA INFORMATION SYSTEMS,  
11 INC.

12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN FRANCISCO DIVISION  
15

16 MICHAEL SIMON, individually, and on  
17 behalf of all others similarly situated,

18 Plaintiffs,

19 v.

20 TOSHIBA AMERICA, INC., a Delaware  
corporation, and TOSHIBA AMERICA  
21 INFORMATION SYSTEMS, INC., a  
California corporation,

22 Defendants.  
23

Case No. C07-06202 MHP

**JOINT STIPULATION TO  
CONTINUE LITIGATION  
DEADLINES; ~~PROPOSED~~  
ORDER THEREON**

Honorable Marilyn H. Patel  
Courtroom 15

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JOINT STIPULATION TO CONTINUE LITIGATION DEADLINES  
C07-06202 EMC  
oc-338451

1 WHEREAS, plaintiff Michael Simon and defendant Toshiba America  
2 Information Systems, Inc. ("TAIS") are currently exploring the possibility of an  
3 early resolution of this matter;

4 WHEREAS, consistent with those efforts, the parties have conducted an in-  
5 person meeting and intend to continue those discussions over the next several  
6 weeks;

7 WHEREAS, pursuant to Local Rule 6-1(a), the parties previously agreed that  
8 the deadline for TAIS to file and serve its initial response to the First Amended  
9 Complaint is March 17, 2008;

10 WHEREAS, given and to facilitate the parties' settlement efforts, the  
11 parties desire to briefly stay the litigation activity in this case and further  
12 continue TAIS's deadline to respond to the Complaint for approximately forty-  
13 five (45) days;

14 WHEREAS, if the parties are able to make progress towards reaching an  
15 early resolution of this action, they may seek to further extend the litigation  
16 deadlines, subject to Court approval,

17 NOW, THEREFORE, IN LIGHT OF THE FOREGOING, IT IS HEREBY  
18 STIPULATED AND AGREED by and between plaintiff, on the one hand, and  
19 TAIS, on the other hand, by and through their respective undersigned counsel, as  
20 follows:

21 1. The deadline for TAIS to file and serve its initial response to the First  
22 Amended Complaint shall be extended to and including May 1, 2008;

23 2. The date on which the Court will hold the Initial Case Management  
24 Conference shall be continued to a date thereafter subject to the Court's  
25 availability;

26 3. This Stipulation may be executed in counterparts, each of which shall  
27 be deemed an original, but both of which, when taken together, shall constitute one  
28 and the same instrument. Executed signature pages of this Stipulation transmitted

1 by facsimile shall be accepted by the parties hereto and the Court as though they  
2 were original signature pages.

3  
4 Dated: March 6, 2008

DEAN J. ZIPSER  
ANNETTE P. CARNEGIE  
ADINA L. WITZLING  
MORRISON & FOERSTER LLP

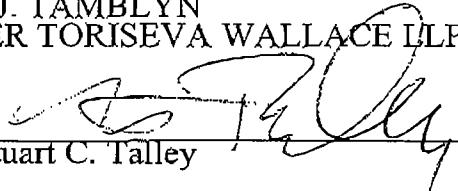
7 By:   
8 Dean J. Zipser

9 Attorneys for defendant  
10 Toshiba America Information  
Systems, Inc.

11 Dated: March 5, 2008

12 STUART C. TALLEY  
KERSHAW, CUTTER & RATINOFF LLP

13 MARK J. TAMBLYN  
WEXLER TORISEVA WALLACE LLP

14 By:   
15 Stuart C. Talley

16 Attorneys for Plaintiff  
17 Michael Simon

## ORDER

Based on the foregoing stipulation of the parties and good cause appearing therefor:

1. The deadline for TAIS to file and serve its initial response to the Complaint shall be extended to and including May 1, 2008;

2. The Initial Case Management Conference shall be continued to a date thereafter convenient to the Court. **JUNE 2, 2008 AT 4:00 P.M., with a joint case management statement due one week prior to the conference.**

IT IS SO ORDERED.

Dated: 3/7, 2008

By \_\_\_\_\_  
Honora

